

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1176/306									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>May 3, 2010</u> Signature _____ Typed or printed name <u>JULIE NGUYEN</u>	Application Number 10/596,416		Filed June 13, 2006								
	First Named Inventor TSUDA, Akimitsu										
	Art Unit 2871		Examiner Chien, Lucy P.								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding-bottom: 10px; text-align: right;">/Wen Liu, Reg. No. 32,822/ _____ Signature</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding-bottom: 10px; text-align: right;">WEN LIU _____ Typed or printed name</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>32,822</u></td><td style="vertical-align: top; padding-bottom: 10px; text-align: right;">(213) 830-5743 _____ Telephone number</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top; padding-bottom: 10px; text-align: right;">May 3, 2010 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/Wen Liu, Reg. No. 32,822/ _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	WEN LIU _____ Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>32,822</u>	(213) 830-5743 _____ Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	May 3, 2010 _____ Date
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<input type="checkbox"/> *Total of _____ forms are submitted.											

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

TSUDA, Akimitsu

Serial No.: 10/596,416

Filing Date: June 13, 2006

For: BACKLIGHT DEVICE

Examiner: Chien, Lucy P.

Group Art Unit: 2871

EXPEDITED PROCEDURE

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

I. Status of Claims

The arguments below will be in reference to the claims as entered after final action upon appeal.

II. Claimed Invention

The present invention is directed to a backlight device that uses one light guide with edge light source to provide lighting to main lighting region (e.g., backlighting an LCD display panel with a larger screen size on one side of the light guide) and a sub-lighting region (e.g., backlighting another LCD display panel with a smaller screen size on an opposite side of the light guide). Given the different sizes of lighting regions, the light source is controlled in accordance with illumination mode for the main lighting region and illumination for the sub-lighting region, so that more light is provided to illuminate the larger main lighting region and less light is provided to illuminate the smaller sub-lighting region. In the disclosed embodiment, the controller selects the illumination mode and switches the power to the light source accordingly. For example, the light source is controlled to emit a smaller amount of light needed to illuminate the smaller display panel, and a larger amount of light needed to illuminate the larger display panel.

Applicant emphasizes the difference between control of the light source versus control of the display panel. For applications in LCD displays, the controller controls switching the light source depending on the illumination modes between the main lighting region and the sub-lighting region. This switching control is different from switching of the LCD panels between displaying at the main lighting region and the sub-lighting region. LCD

displays make use of backlighting, with the liquid crystals in the panel being controlled as light filters to pass or block backlight in accordance with image data (i.e., an image is rendered by appropriate filtering the amount of light passing through the liquid crystals representing each image pixel). Accordingly, for example in a flip type cell phone having a smaller exterior display and a larger interior display on opposite sides of the flip cover of the cell phone, the lighting of the larger and smaller **display panels** is controlled by the switching of the **light source** in accordance with the present invention. However, the prior art control of the filtering effect of the liquid crystal panel does not control the **light source** in the manner disclosed by the present invention.

III. Prior Art Rejection

Claims 1-3, 8, 9 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Yuichi** (JP 2002-372711). **Independent claim 1** (i.e., previously presented claim 2) recites control means for controlling said **light source** for illuminating a main lighting region ... , and illuminating a sub-lighting region ... , wherein said controlling means comprises mode select means for selecting either a mode of illuminating the main lighting region or a mode of illuminating the sub-lighting region; and switch means for switching the power supply to said **light source** according to the mode selected by said mode select means. Yuichi does not disclose control of **light source** in accordance with illumination mode for main lighting region or illumination mode for sub-light region, by mode selection and switching of the power supply to the **light source**.

In the final action, the Examiner referred to [0005] in Yuichi to find correspondence to the recited control means, including the mode selection means and switching means for the light source. However, the referenced section in Yuichi is silent on the control of the **light source**. According to the automated translated version of Yuichi made available at the Japanese Patent Office website, section [0005] states:

“As the electronic equipment 100 which has the liquid crystal display panels 108 and 109 in such a rear surface, the foldaway cellular phone 100 which can receive an E-mail is known, for example (refer to drawing 12). There are some which have the sub display panel 109 which tells reception of the main display panel 108 which is an original display screen, and mail in this cellular phone 100 (refer to drawing 12 (a) and (b)). By the folded state, since the main liquid crystal display panel 108 is closed, this cellular phone 100 is arranged so that the sub liquid crystal display panel 109 may be installed in

the rear-face 117 side of the case 101 and can be seen from the outside also by a folded state (refer to drawing 10 (b)).”

Nowhere in the above referenced section in Yuichi contains any teaching of the control of the **light source** in accordance with the display mode. The Examiner referred item 108 in Yuichi to correspond to the recited control means, but item 108 is specifically identified as a liquid crystal panel, in particular the top liquid crystal panel. Further, as noted above, Yuichi control of the main display panel 108 and sub display 109 in Yuichi would be different from the recited control of the light source in claim 1.

Independent claims 9 and 19 (previously presented claims 13 and 20) were rejected as being obvious based on Kin Kochu in view of Nagakubo. The Examiner failed to show where in Kochu is the disclosure of the recited controller controlling **different amount of light** from the **light source** to be emitted into the light guide, wherein the **amount depends on whether light is desired to be emitted through the light guide to illuminate the first display or the second display**, as required by claims 9 and 19. Further, the Examiner has not pointed out where in Kochu is the disclosure of overlapping lighting regions.

The dependent claims add further limitations to claim 1 to further distinguish from Yuichi. For example, claim 3 recites the switch means supplies the **whole** light source with the electric power in one mode of illumination, and supplies **part** of the light source with the electric power in another mode of illumination. Other than the Examiner merely quoting in verbatim the claimed recitations, the Examiner has not identified any corresponding structures disclosed in Yuichi which are deemed to correspond to the recited structures in the claims. For example, the Examiner did not identify which structure in Yuichi corresponds to the recited switch means supplying electric power to **whole** light source and **part of the light source** depending on the illumination modes for main and sub-lighting regions.

The Examiner appeared to have considered in the abstract each additional limitation introduced by each dependent claim in the abstract, without considering the base claim and applicable intervening claims, and the interaction of the various recited limitations. For example, with respect to claim 5, the Examiner indicated that West discloses at page 5, claim 13: “wherein said LEDs having higher contribution to the illumination are center-located LEDs ..., therefore to provide a uniform distribution of light.” (See page 5 of the office action.) The Examiner failed to consider claim 5 in connection with claim 1 and intervening claims 2 and 4. The Examiner failed to recognize the recited structural interactions when considered as a whole,

which require that the switch means supplies electric power to center-located LEDs having higher contribution to the illumination in the mode of illuminating the sub-lighting region, as required by claim 4. That is, the region outside of the sub-lighting region does not need to be lit by LEDs. This is different from West, in which its center located colored LEDs are brighter than the LEDs at the ends of the rows to improve color distribution, **not uniform light distribution** as the Examiner alleged.

Applicant reiterates that it appears that in setting forth the basis for claim rejection, the Examiner merely quoted in verbatim the claim recitations, without identifying all the corresponding structures disclosed in Yuichi which are deemed to correspond to the recited structures in the claims. In the case of previously presented claims 13 and 20, it is interesting to note that the Examiner actually misquoted in the final action the claim recitations. On page 9 of the final action, regarding claims 13 and 20, the Examiner stated: “In addition to Kin Kochu and Nagakubo et al as disclosed above, Kin Kochu (Drawing 5) discloses wherein said controlling means (100) comprises mode select means for selecting either a mode of illuminating the main lighting region (200) or a mode of illuminating the sub-lighting region (300); and switch means ([0029] and [0065] and drawing 7) for switching the power supply to said light source according to the mode selected by said mode select means.” Applicant does not understand how and why the Examiner read into claims 13 and 20 the limitation of “controlling means”, “mode select means” and “switch means”. It is clear that the Examiner failed to appreciate the claim limitations and the teachings of the cited references.

IV. Deficiencies of Advisory Action

The Examiner noted in the Advisory Action:

“**Yuichi** discloses [0026-0029] that the control signal for controlling either featuring the 1st display [means or] the 2nd displaying [means], therefore the controller selects to either illuminate the main lighting [region] or the mode of illuminating the sub lighting region, and switch means for switching the power supply to the light source according to the mode selected by the mode select means. There has to be illumination so that the displays can be featured and seen by the user. Thus, there is a switching of the power supply by the user opening and closing the cell phone.” (Emphasis added.)

Firstly, Yuichi at [0026] does not disclose what the Examiner noted above. Further, Yuichi does not have paragraphs [0027 - 0029]. Accordingly, Yuichi is irrelevant to support the Examiner’s statement above.

Secondly, the Examiner might have erroneously referred to Yuichi. It appears that she intended to refer to the **Kin Kochu** reference, since Kin Kochu has [0026-0029] and appears to disclose controlling featuring 1st or 2nd displaying means. However, the rejection of claim 1 (previously presented claim 2) is based on anticipation by Yuichi. Accordingly, Kin Kochu has no bearing on the anticipation rejection based on Yuichi.

Thirdly, even Kin Kochu does not disclose the control of the **light source** at [0026-0029]. Instead Kin Kochu discloses switching between 1st and 2nd **displays, not light source**. For similar reasons with respect to claim 1, Kochu, like Yuichi, is likewise deficient in its disclosure of the recited controller that controls light source depending on the mode of **illumination** needed for the first or second display. Kochu is completely silent on the control of the **light source** for different **illumination** of first and second display. In fact, Kochu did not even bother to show a light source in its drawings. Kochu is directed to a display configuration that is at most similar to the prior art configuration discussed in reference to Fig. 1 in the present application. Fig. 4 in Kochu appears to illustrate 1st and 2nd display panels sandwiching a single light guide plate. Kochu is silent on the control of any **light source** to emit **different amount of light** through the single light guide plate depending on whether to illuminate the first or second displays.

Fourthly, the Examiner's Advisory Action failed to address Applicant's arguments directed to the dependent claims.

Accordingly, the Examiner failed to establish a prima facie case of anticipation of claim 1 by Yuichi and of obviousness based on Kin Kochu in view of Nagakubo.

Respectfully submitted,

/Wen Liu, Reg. No. 32,822/

Dated: May 3, 2010

Wen Liu
Registration No. 32,822
LIU & LIU
444 S. Flower Street; Suite 1750
Los Angeles, California 90071
Telephone: (213) 830-5743
Facsimile: (213) 830-5741
Email: wliu@liulaw.com